

From: john kinsella
To: Microsoft ATR
Date: 1/16/02 7:17pm
Subject: Microsoft Settlement

I must say I'm extremely disappointed with this "settlement." The Clinton administration worked very hard to prove that Microsoft hold monopoly power and abused that power at the expense of it's competition. As soon as the Bush administration took office, it seems as if the Justice Department became very willing to give into Microsoft's wishes, to let Microsoft continue to wield it's monopoly power unfettered. I had hoped that the Justice Department would take this opportunity to take a stand. A monopoly is not good for the market, for the industry, for the economy, for the country. This settlement provides almost no putative measures, something necessary to "bring them down a notch." The (illegal?) hoards of tens of billions of dollars in cash Microsoft holds makes and monetary putative measures useless. The only thing that can change the business practices of Microsoft, making the industry more competitive and open, is to attack the one thing that could actually hurt Microsoft, opening up it's Window's API's. These are the only things that guarantee Microsoft it's monopoly power and the only thing that can break that power. I'm not talking about some minor "promise to make some API's more available to some people..." promise. In some way Microsoft must be made to make it's platform completely open, that anyone can have the same access to the underlying code as Microsoft itself has. And if it's found that Microsoft has hidden or not opened up those API's completely, there must be some other, very strong response by the government, including monetary punishment and the threat of a possible breakup of the company (ala AT&T and the proposal by the original trial judge.)

Those are my thoughts on this remedy. I think it's completely useless, does nothing to protect the public nor creating a more competitive market, and is full of so many loop holes that it would be easily circumvented by Microsoft. I urge you to reconsider your position and take a stronger stance with Microsoft. That's why this case was started in the first place.